

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #4	CCRB Case #: 202004772	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 8:45 PM	Location of Incident: Cadman Plaza West and Tillary Street	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/19/2020 1:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/01/2020 12:22 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. LT Randy Shapiro	00000	920831	CD IRS
3. CPT Tarik Sheppard	00000	945351	PBBN
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT1 Wendell Stradford	03420	909167	DB SID
2. POF Danielle Moses	01105	966234	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. An officer	Force: An officer used physical force against § 87(2)(b)	
C. An officer	Force: An officer struck § 87(2)(b) with a baton.	
D.CPT Tarik Sheppard	Off. Language: Captain Tarik Sheppard made remarks to § 87(2)(b) based upon gender.	
E.CPT Tarik Sheppard	Force: Captain Tarik Sheppard hit § 87(2)(b) against a vehicle.	
F.LT Randy Shapiro	Discourtesy: Lieutenant Randy Shapiro spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

## Case Summary

On June 19, 2020, Lieutenant Steven Alfano, assigned to the Internal Affairs Bureau (IAB), filed this complaint with IAB on behalf of § 87(2)(b) generating original log # 2020-15498. The CCRB received the log on July 1, 2020.

On June 3, 2020, at approximately 8:45 p.m., § 87(2)(b) participated in a protest against police brutality in the vicinity of Cadman Plaza West and Tillary Street in Brooklyn. § 87(2)(b) observed unidentified officers push unidentified protesters with their batons (**Allegation A: Force, § 87(2)(g)**). An unidentified officer pushed § 87(2)(b) to the ground (**Allegation B: Force, § 87(2)(g)**), struck § 87(2)(b) with a baton (**Allegation C: Force, § 87(2)(g)**), and handcuffed her.

Two unidentified officers then walked § 87(2)(b) to an MTA bus that was used to transport prisoners to Brooklyn Central Booking (BCB). Prior to getting on the bus, Captain Tarik Sheppard, of Patrol Borough Brooklyn North, called § 87(2)(b) a “bitch” (**Allegation D: Offensive Language, § 87(2)(g)**) and slammed § 87(2)(b)'s head against the side of the bus (**Allegation E: Force, § 87(2)(g)**). While on the bus, Lieutenant Randy Shapiro, assigned to the Chief of Department's Investigative Review Section, allegedly said to § 87(2)(b) “I don't give a fuck about what happens to you” (**Allegation F: Discourtesy, § 87(2)(g)**).

§ 87(2)(b) was eventually transported to BCB. Police Officer Danielle Moses, from the 81<sup>st</sup> Precinct, issued § 87(2)(b) a summons for violating Mayoral Executive Order 119 (Board Review 01). § 87(4-b), § 87(2)(g)

The NYPD Legal Bureau did not locate any body-worn camera videos related to this incident (Board Review 16 and 17).

This case was deemed sensitive due to the media coverage it received in the § 87(2)(b)

published on June 16, 2020 (Board Review 13).

## Findings and Recommendations

**Allegation (A) Force: Officers used physical force against individuals.**

**Allegation (B) Force: An officer used physical force against § 87(2)(b)**

**Allegation (C) Force: An officer struck § 87(2)(b) with a baton.**

§ 87(2)(b) (Board Review 02) testified that she stood at the front of a line of approximately 100 protesters when officers ordered the protesters to walk back down Cadman Plaza West. Officers charged into the crowd by holding their batons horizontally in their hands and moving into the protesters. § 87(2)(b) could not provide physical descriptions of these officers. The officers pushed the protesters and did not allow them enough time to move out of the way before pushing them again. § 87(2)(b) remained towards the front of the line. An officer, described as a white male in his mid-30's with tan skin who wore a white shirt, stood approximately 5'11" tall, and had an athletic build, brown hair, and dark eyes, held his baton horizontally in both hands and pushed § 87(2)(b) off the street and onto the sidewalk. The officer ordered § 87(2)(b) to get back and pushed her on the chest area and again on her right arm. After the second push, § 87(2)(b) raised her right arm to protect herself. The officer pushed § 87(2)(b) again and she fell onto the sidewalk. § 87(2)(b) attempted to cover her head with her arms. The same officer hit § 87(2)(b)

§ 87(2)(b) with his baton on the lower part of the back of her head, the top of her head, her right shoulder, right arm, and her right leg. The officer pushed § 87(2)(b)'s head into the sidewalk and yelled, "Cuffs! Cuffs!" § 87(2)(b) opened her eyes and saw a different officer bring over flexi-cuffs, and she was handcuffed. § 87(2)(b) sustained two contusions on her right arm, bruising on her right shoulder, upper neck, head, wrists, and scratches on her face (Board Review 15). § 87(2)(b) did not obtain or receive medical attention.

As mentioned above, there is no video evidence of this incident.

On July 29, 2020, the undersigned emailed William Robinson of the MTA to inquire about surveillance footage on the bus used to transport § 87(2)(b) to Brooklyn Central Booking (BCB). The undersigned provided Mr. Robinson with the date, approximate time, and location of the bus. On July 29, 2020, Mr. Robinson responded that a bus number was required to search for footage. The investigation was unable to identify the bus and thus did not obtain any surveillance footage from Mr. Robinson.

The NYPD Legal Bureau yielded one positive result for BWC footage which did not capture this incident. The BWC request was submitted on July 9, 2020. This request asked for all BWC footage related to a protest on "June 3, 2020, at approximately 8:45 p.m. at Cadman Plaza West and Tillary Street" involving § 87(2)(b) who was issued "Summons # § 87(2)(b) and potential officers "Lt. Randy Shapiro 920831, PO Danielle Moses 966234, DT1 Stradford 909167, and CPT Tarik Sheppard 945351" (Board Review 20). A search was conducted for "June 3, 2020, from 8:00 p.m. to 9:00 p.m. within the confines of the 84<sup>th</sup> Precinct." The search stated that Lt. Shapiro, PO Moses, Det. Stradford and Capt. Sheppard did not have videos related to the incident.

Fourteen additional complaints (CCRB case numbers 202005210, 202004990, 202004165, 202004586, 202004395, 202003911, 202004110, 202004003, 202003966, 202003932, 202003921, 202003901, 202003873, 202005211) that shared the same date, location, and approximate time were filed with the CCRB. 26 BWC requests were submitted for these complaints, eight of which came back positive. 19 BWC recordings were obtained from the positive results. However, none of the videos captured § 87(2)(b)'s interaction with the officers.

On July 6, 2020, the undersigned called IAB Group 54 and inquired if there was a concurrent investigation into this incident. Sergeant Christopher Morano informed the undersigned that the complaint was being investigated by Sergeant Leonel Ramos of Patrol Borough Brooklyn North (PBBN). On July 6, 2020, the undersigned called PBBN and spoke with Sgt. Ramos. Sgt. Ramos stated that he conducted a search of BWC and yielded four results, but none of the recordings showed § 87(2)(b)'s interaction with the officers. On November 25, 2020, the undersigned called Sgt. Ramos for an update on the status of the complaint. Sgt. Ramos stated that the case was closed as complainant unavailable because he was unable to contact § 87(2)(b). No officers were identified.

No TRI or AIDED reports were prepared on behalf of § 87(2)(b) (Board Review 18, 19).

The NYPD Detailed Roster revealed that approximately 19 white shirted and 134 uniformed officers were deployed to various parts of Brooklyn on June 3, 2020 for protests (Board Review 03). Of the 19 listed white shirted officers, 13 of them were White or Hispanic males (Board Review 04). None of these officers are listed as being assigned specifically to the incident location.

Capt. Sheppard (Board Review 05), Lt. Shapiro (Board Review 08), and PO Moses (Board Review 09) were interviewed regarding this complaint for allegations addressed below. None of them witnessed the interaction described above.

§ 87(2)(g)

**Allegation (D) Offensive Language: Captain Tarik Sheppard made remarks to § 87(2)(b) based upon gender.**

**Allegation (E) Force: Captain Tarik Sheppard hit § 87(2)(b) against a vehicle.**

§ 87(2)(b) (Board Review 02) testified that after being handcuffed she was handed off to two female officers who walked her to an MTA bus. § 87(2)(b) stood next to the bus and asked Capt. Sheppard why it was necessary to arrest an unarmed protester in such a violent manner. Capt. Sheppard called § 87(2)(b) “a bitch” and slammed her head into the window of the city bus with his hand. The next thing § 87(2)(b) remembered was being seated on the bus. § 87(2)(b) described Capt. Sheppard as a Black male in his 40’s or 50’s, who stood over 6’ tall, had an athletic build, wore a white shirt and a police hat. § 87(2)(b) sustained scratches to her face two contusions on her right arm, bruising on her right shoulder, upper neck, head, wrists, and scratches on her face (Board Review 15).

The investigation obtained the summons issued to § 87(2)(b) (Board Review 01). The summary portion of the summons states, “A/o informed by CPT Sheppard that at above TPO, CPT Sheppard observed defendant in public violation of Mayors Executive Order 119, establishing an 8:00 p.m. to 5:00 a.m. curfew. Warrant check neg. results.”

No AIDED or TRI reports were prepared for § 87(2)(b) (Board Review 18, Board Review 19).

A CTS search confirmed that Captain Tarik Sheppard is the only captain in the NYPD with the surname “Sheppard.”

Capt. Sheppard’s MOS photo lists him as a § 87(2)(b)-year-old black male who stands 6’5” tall (Board Review 06).

Capt. Sheppard (Board Review 05) did not recall this incident despite being provided with a description of the incident, a copy of the summons, and a photograph of § 87(2)(b). Capt. Sheppard did not recall interacting with § 87(2)(b) at any point during the incident, being near an MTA bus being used to transport protesters to BCB, or anything specific about his time at Cadman Plaza on June 3, 2020. Capt. Sheppard did not recall referring to § 87(2)(b) as a “bitch” and he denied slamming § 87(2)(b)’s head into the side of the bus.

NYPD Patrol Guide Procedure 203-10 prohibits officers from using discourteous or disrespectful remarks regarding a person’s gender and gender identity/expression (Board Review 22).

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.

§ 87(2)(g)

**Allegation (F) Discourtesy: Lieutenant Randy Shapiro spoke discourteously to § 87(2)(b)**

§ 87(2)(b) (Board Review 02) stated that, while on the bus, she asked Lt. Shapiro if he was okay with what was happening. Lt. Shapiro responded, “I don’t give a fuck about what happens to you.” § 87(2)(b) obtained Lt. Shapiro’s name from his name plate and described him as a White male who was bald, in his late 50’s, and wore a white shirt.

A search of the CTS Officer Identification Database revealed one officer with the last name “Shapiro” that had the ranking of Lieutenant and above. Lt. Shapiro’s MOS photo lists him as a 45-year-old white male (Board Review 07).

Lt. Shapiro (Board Review 08) did not recall the incident despite being provided with a description of it and being shown a photograph of § 87(2)(b). Lt. Shapiro helped an officer escort one male protester to a police bus. Other arrested protesters were already on the bus when Lt. Shapiro entered. Lt. Shapiro did not interact with any of the other arrested protesters and he could not recall if there were any female protesters on the bus. Lt. Shapiro was the only supervising, “white shirted,” officer on the bus at any point in time. Lt. Shapiro did not say, “I don’t have a fuck about what happens to you” to § 87(2)(b).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 11).
- Capt. Sheppard has been a member-of-service for 17 years and has been named a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- Lt. Shapiro has been a member-of-service for 22 years and has been named a subject in four CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- This complaint was unsuitable for mediation.
- § 87(2)(b), § 87(2)(b)'s attorney, filed a Notice of Claim on behalf of § 87(2)(b) with the City of New York claiming unlawful and excessive use of force; false imprisonment; false arrest; excessive detention; assault; battery; trespass on the person;
- malicious prosecution; malicious and retaliatory prosecution; intentional infliction of emotional distress; negligent infliction of emotional distress; negligence; negligent hiring, screening, retention, supervision, and/or training; denial of rights to communicate by phone while in custody; due process and right to counsel; freedom of speech and press; right to assemble and petition; equal protection; and unlawful search and seizure. § 87(2)(b) has requested that the damages and redress be determined by a jury. There is no 50H hearing scheduled (Board Review 14).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 12).

Squad No.: 4

Investigator:	<u>Charis Jones</u>	<u>Investigator Charis Jones</u>	<u>04/08/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>04/08/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date